

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 2/2/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DARRYL L. BATISTE,

Plaintiff,

-v -

THE CITY OF NEW YORK,

Defendant.
-----X

1:22-cv-9772-GHW

ORDER OF DISMISSAL

GREGORY H. WOODS, United States District Judge:

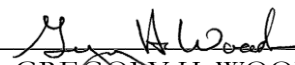
By order dated November 23, 2022, the Court directed Plaintiff to file an amended complaint within 45 days. Dkt. No. 3. That order specified that failure to comply would result in dismissal of the complaint. By order dated January 10, 2023, the Court granted Plaintiff's request for an extension of time and directed him to file an amended complaint by January 24, 2023. Dkt. No. 5. Plaintiff has not filed an amended complaint. Accordingly, the Court dismisses the complaint for failure to state a claim on which relief may be granted.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this action.

SO ORDERED.

Dated: February 2, 2023
New York, New York


 GREGORY H. WOODS
 United States District Judge